

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

THE COMMONWEALTH OF PUERTO
RICO, *et. al.*,

DEBTORS.¹

PROMESA

Title III

Case No. 17 BK 3283-LTS

(Jointly Administered)

**INFORMATIVE MOTION OF DUFF AND PHELPS, LLC REGARDING ERRATUM IN
CONNECTION WITH THE TEXT OF DUFF & PHELPS, LLC'S "MOTION AND
MEMORANDUM OF LAW IN SUPPORT OF DUFF & PHELPS, LLC MOTION FOR
PARTIAL SUMMARY JUDGMENT UNDER FED.R. BANKR. P. 7056"**

To the Honorable United States District Judge Laura Taylor Swain:

Duff & Phelps, LLC ("D&P") hereby submits this informative motion to provide notice of erratum in the text of the *Motion and Memorandum of Law in Support of Duff & Phelps, LLC Motion for Summary Judgment Under Fed.R. Bankr. P. 7056* (Docket No. 9188) (the "Motion for Summary Judgment"), and respectfully states as follows:

1. On November 15, 2019 D&P filed the Motion for Summary Judgment. Docket No. 9188.

¹ The Debtors in these title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

2. In said motion, D&P sought a finding, as matter of law, that D&P is contractually entitled to the so-called “Project Management” fees totaling \$1,777,891 in its amended first interim application for allowance of compensation covering the period of November 1, 2018 through January 31, 2019 (“Application Period”), subject only to the Court’s later review under Bankruptcy Code §330(a) (reasonable compensation for actual and necessary services).

3. Through this informative motion, D&P provides notice to the Honorable Court and interested parties of an error at paragraph 2 of page 4 of said motion. Said paragraph currently reads in part as follows:

The only dispute on this motion is the Fee Examiner’s misreading of the Engagement Letter that would restrict the amount of fees earned by D&P. According to the Fee Examiner, the language of the Engagement Letter restricts D&P to \$50,000 per week during the Application Period. But such restrictive language appears in the Engagement Letter.

See Docket No. 9188 at 7.

4. This paragraph should have read in part as follows:

The only dispute on this motion is the Fee Examiner’s misreading of the Engagement Letter that would restrict the amount of fees earned by D&P. According to the Fee Examiner, the language of the Engagement Letter restricts D&P to \$50,000 per week during the Application Period. But **no** such restrictive language appears in the Engagement Letter.

5. Evidently, given D&P’s intention to refute the Fee Examiner’s interpretation of the Engagement Letters, and in accordance with the legal arguments and evidence provided in support of said Motion for Summary Judgment, it is obvious that D&P intended to include the word “**no**” in the paragraph quoted above.

WHEREFORE, D&F respectfully requests that the Court and interested parties take note of the error noted above.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 25th day of November, 2019.

I HEREBY CERTIFY that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record.

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